

Possible future SUD policy options for further discussion with SUD WG members¹

1. **IPM: Do any changes need to be made to the current legal provisions for IPM, including the IPM principles and should we Introduce IPM record-keeping requirements in legislation ?** should some minimum details be specified in legislation and other aspects be left to MS under subsidiarity, what to record, how to record (in what format and level of detail), when and how often to record, who records it, for how long should records be kept (paper and/or electronic form) try not to be too burdensome while still representing a useful monitoring or enforcement tool for Member State competent authorities ? What experiences do MS already have with introducing national IPM record-keeping requirements (to which types of pesticide users should such requirements apply), do these records prove useful when performing checks and official controls ? Other IPM aspects to be considered, some will take longer to develop and trial e.g. detailed IPM criteria which are expected to be specific for different Member States
 - The application of the IPM principles is an important tool for the sustainable use of plant protection products, **but they need to be reviewed and revised because the control of IPM is in fact very complicated**, especially when it comes to the prevention of harmful organisms, in particular, the formation of seedbeds, sowing time, resistance of plant varieties. Compliance with certain principles can only be checked a few days after the action has been taken, e.g. bearing formation. Adherence to other principles is influenced by climatic conditions e.g. sowing time. Still other principles like the resistance of plant varieties change so information on which varieties are resistant needs to be constantly updated. It is also affected by climate change, diseases, pests, and so on.
 - Completing records on the farm would increase the administrative burden on the user of plant protection products, but would facilitate control work. Perhaps consideration could be given to merging IPM records with the PPP use records log by adding a few columns. However, is it really fair to penalize a user of a plant protection product on the basis of records if he has chosen a variety that is not offered, sowed the seed a few days earlier or later at the recommended time, has not used the organic product because no such product has been registered for its crop and etc.?

2. **DRONES/AERIAL SPRAYING: Are changes needed to the current SUD regarding facilitating precision agriculture and particularly the use of drones for spraying, change the current SUD wording on aerial spraying ?** (use of drones to survey fields/crops not prohibited)

If yes, what is the specific issue? Problems if PPPs are not authorised for aerial spraying, lack of standards or criteria to assess drones. What national experiences do MS have re interpreting the current legislative wording on drones or authorising nationally the use of drones for spraying.

¹ This is a non-exhaustive list of possible policy options based on discussions in the breakout groups at the SUD BTSF one-off workshop of 17-19 November 2020. SUD WG members are free to add proposals for extra policy options based on their national experiences concerning implementation, application and enforcement of the SUD.

- We support the proposal to legalize the spraying of plant protection products from drones. But it is necessary to assess the risks to human health and the environment from spraying plant protection products from drones.
3. **TESTING OF PAE: Any need for changes to the current system for testing PAE outlined in the SUD ?** Need for standards and criteria, potentially reduce the testing requirements for basic and less risky PAE, more frequent testing for contractors/large scale users? Mandatory test before first placing on the market? assistance to train testers and facilitate mobile testing services to cover larger geographical areas ?
- We support revision of PAE testing system requirements with regard to inspect only within country specifics mostly used types of PAE by professionals and when concrete ISO standards are available for inspection. In LT mostly used are field sprayers.
4. **POSSIBLE LEGISLATIVE SIMPLIFICATION/REDUCTION OF ADMINISTRATIVE BURDEN: Can some elements of the SUD be simplified to reduce the admin burden for MS and stakeholders ?** suggestion that more structure on IPM annex/ guidance is needed, any change needed to the requirements on training and advisory services or they are currently working quite well ? There was a suggestion to possibly reduce the testing requirements for simpler and less risky PAE ?
- We would support the proposal to supplement the annex to the IPM principles by extending them with recommendations or guidelines, as a clarification of the IPM is necessary. The application of IPM principles can only be achieved through a proper training and counselling system, so it is necessary to strengthen it. The suggestion to possibly reduce the testing requirements for simpler and less risky PAE would be appropriate.
5. **COLOUR CODED LABELLING OF PPP PRODUCTS: Consider a traffic light colour coding label or sticker on the PPP package (green, amber, red) to indicate varying hazard for health and environment ?** can an attempt be made to objectively divide PPPs into 3 such groups or even 2 groups of the most hazardous and least hazardous products, do any MS have an experience of implementing such a scheme nationally ?
- We support the proposal to label plant protection products in different colours according to their hazardous level.
6. **RESTRICTIONS ON USE OF SOME PPPs: Potentially restrict/ prohibit the use of some more hazardous pesticides by all or some users: agricultural, non-agricultural, professional and non-professional users ?** Are certain exceptions needed, for example for some sports facilities ? Which pesticides should have their use restricted and for which uses and users, is there a minimum baseline which could be applied in all MS ?
- Lithuania has already imposed restrictions on the use of plant protection products in certain areas in accordance with the provisions of Directive 2009/128.

For example, as follows:

“The use of plant protection products is permitted in areas of individual greenery, general use (general use of cities, towns and villages or municipalities), except botanical gardens, public use (scientific buildings, medical buildings,

sports buildings, sports engineering structures), containing low-risk active substances within the meaning of Regulation (EC) No 1907/2006. In Part 5 of Annex II to Regulation (EC) No 1107/2009.

The use of plant protection products for professional use is prohibited on plots of land for amateur gardens, plots of land for general use by gardeners' associations, plots of land for recreational use, recreational areas, areas of commercial objects, areas of multi-apartment residential buildings and at dormitories areas.”

We believe that each EU member state, having assessed the need for the use of plant protection products in certain areas and in order to protect human health and the environment from the effects of plant protection products, must set country specific restrictions on PPP use in certain areas.

7. **ANY EXTRA INFORMATION OR COMMUNICATION ACTIVITIES NEEDED: Should any extra information or communication measures be included in the SUD ?** any need to improve the information to the general public or residents when pesticides are used or planned to be used in their local area, any experiences at MS level on this ?

- We believe that measures set in SUD at the moment is sufficient.

8. **POTENTIAL HIGHER TAXATION OF MORE HAZARDOUS PESTICIDES: Should a higher VAT tax rate or an environmental/excise tax be applied to some more hazardous chemical pesticides/candidates for substitution, if so which pesticides and which tax rate would disincentivise their use ?** (their use would not be prohibited). Should a general recommendation be given on how MS should use any funds generated via these higher taxes ? **It should be noted that a decision on using any funds generated is a national competence at MS level.**

- This question still under discussions.

9. **PRESCRIPTION SYSTEM FOR SOME PPPs: Should a prescription system be considered for some more hazardous chemical pesticides (candidates for substitutions) used by professional PPP users ?** if so for which pesticides, who would issue the prescription (a recording or registration system would likely be needed, paper and electronic prescriptions, for how long would a prescription be valid, how to deal with repeat prescriptions for the same issue and product, possible extra costs and administrative burden for farmers, advisers and competent authorities, who would need to keep copies of the prescription: the farmer/user, adviser/prescriber, seller, would some minimum qualifications or training be needed to issue prescriptions, for how long would prescriptions need to be kept to be available for inspection or controls, what is the experience of those MS such as Greece who have already introduced such a system, did it impact significantly on PPP use or impose extra costs and administrative burden on stakeholders and industry ?

- We do not support the introduction of a prescription system for use of plant protection products. It is not clear what the purpose of offering a prescription system is. It causes confusion as to who will have the right to write prescriptions. In Lithuania, the system for purchasing plant protection products is based on the information provided by the seller to the buyer before selling the plant protection product. The introduction of this system would unpredictably increase the administrative burden for both seller and buyer.

10. HOW TO IMPROVE MONITORING OF PESTICIDES' EFFECTS ON HUMAN HEALTH AND THE ENVIRONMENT: Should the SUD include extra details on monitoring the effects of pesticides on human health and the environment ? if so which ones, how to improve cooperation and collaboration with human health colleagues (might not be achieved via a legislative change) ? Would this require changing / making SUD clearer?

- We propose to strengthen the protection of surface water, groundwater in the EU Member States with regard to residues of plant protection products in water. In the interests of biodiversity, we propose to extend the provisions on the protection of insect pollinators by requiring the fact of bee mortality to be investigated in connection with the use of plant protection products.

11. RECYCLING/SAFE DISPOSAL OF EMPTY PPP CONTAINERS: Should any extra measures be taken to increase the recycling and safe disposal of empty pesticide containers or this should be left to industry and MS to manage ? for example a possible refundable deposit on products purchased if the empty container is returned to the point of purchase, how to deal with online purchases, problem of long distances/sparsely populated areas, return to point of purchase or bring to a collection point or have a farm collection system, some MS have collection systems also for other waste such as general farm plastics, does the Commission need to act or take action to support the recycling and safe disposal of empty pesticide containers ?

- For the safe disposal of plant protection product packaging, we propose to make industry responsible. Besides, it could be considered imposing an obligation on the seller of plant protection products to scan the packaging of plant protection products with individual serial numbers and enter them in the electronic system. This measure is already in place in pharmacy.

12. IMPROVING EFFECTIVENESS OF MS NAPs: Can MS SUD national action plans be made into more effective implementation and communication tools, how to involve stakeholders and link with CAP national strategic plans ? should they be made more prescriptive, be updated more frequently? Be better linked to the CAP and other relevant plans (WFD, Natura 2000)? Would this require changing / making SUD clearer? If yes, in what way?

- National action plans under the directive must be updated every 5 years, however, EU countries may revise their plans earlier if necessary, we therefore believe that more frequent reviews should not be introduced, as this will take a long time to implement the necessary measures or achieve the objectives.
- Part of the requirements of the national action plan, such as training, technical inspection of spraying equipment, reduction of the use of plant protection products in certain areas (near water bodies / Natura 2000 sites, handling, storage and treatment of packaging and residues of plant protection products) will enter the new CAP through conditionality. Other higher requirements will be supported through Axis II of the CAP. In our opinion, that should be enough.

- The SUD needs to be revised, both for the sake of clarity of the IPM principles, leaving only verifiable criteria that are comprehensible to both farmers and control authorities. Assess whether penalties should be applied to farmers if one principle has not been applied in practice or whether the principles have been applied in part.
 - Consulting and training need to be strengthened as the misapplication of IPM requires not only extra time but also knowledge, education and understanding that the use of IPM will reduce the use of PPP.
13. **(LEGALLY BINDING) TARGETS TO REDUCE USE AND RISK OF PESTICIDES: What are the experiences at MS level with quantitative pesticide use/risk reduction targets ?** have these been put into legislation or NAPs, have they been successful or not, what have been the follow-up actions at national level if the targets are not achieved or progress is insufficient: support, penalties ? should the F2F targets be made legally applicable in individual MS?
- Lithuania has set risk management indicators in the National Action Plan, which are environmental, social and economic. The most successful indicators are the increase in ecological areas, the increase in spray equipment that reduces the drift of spray, the increase in the number of farmers who have used advisory services on integrated plant protection products that reduce the use of PPP. Given that **the indicators are progressing in the implementation of the monitoring action plan, there is no need for penalties for not achieving them.**
 - For the strategic purpose of F2F, the debate needs to be clarified for each MS, as each country has its own positions in the starting positions, cultivating a different number of crops that require different PPP applications. In addition, small EU countries like Lithuania do not have sufficient diversity of PPP in the market, so more dangerous PPP simply has nothing to change. Only a few percent of low-risk products are also registered the EU level.
14. **(HARMONISED) RISK INDICATORS: Any suggestions for potential new (harmonised) risk indicators that should be investigated or developed by the Commission, preferably that could be easily and quickly developed** Do MS already use other indicators e.g. German experience with MRL detections in food ?
- The current harmonized risk indicators are difficult to calculate and they do not represent real PPP risks, so we would support the establishment of indicators that are easy to calculate and would indicate real risks to humans and environment.
15. **COHERENCE/COMPLEMENTARITY OF THE SUD WITH OTHER EU LEGISLATION OR POLICIES: Any areas of contradiction between different EU policies that should be investigated or resolved ?** Reference was made to different buffer zone requirements applying under the CAP and for individual PPPs.
- We would propose closer SUD link to the Water Framework Directive by setting monitoring requirements for residues of plant protection products in water. And also link to animal protection legislation by setting requirements for the study of bee mortality due to exposure to plant protection products.